



STAFF REVIEW AND ANALYSIS

Variance Case #: V2013-01

Legistar #: 20121181

City Council Hearing: Wednesday, January 9, 2013 – 7:00 p.m.

Property Owner/Applicant: George A. Hussey IV
505 South Marietta Parkway
Marietta, GA 30060

Address: 505 South Marietta Parkway

Land Lot: 03600 District: 16 Parcel: 0240 Acreage: 1.2 ac

Council Ward: 5 Existing Zoning: CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow an automotive repair shop operate directly across the street from a single family residential district. §708.16 (B)(7)(c)
2. Variance to reduce the side setback for an accessory structure from 10' to 0.' §708.16 (F)(1)
3. Variance to allow the use of metal siding on the façade of the building facing a roadway. §708.16 (G)(3)
4. Variance to reduce the setback along Grogan Street from 35' to 7.' §708.16 (H)
5. Variance to allow an exterior storage yard along an arterial roadway. §710.07 (A)
6. Variance to allow the open storage of wrecked or nonoperative automobiles. §710.07 (A)(2)
7. Variance to allow the storage of parts or waste materials outside a building. §710.07 (A)(3)
8. Variance to waive all regulations listed under Section 712.09 Commercial Corridor Design Overlay District. §712.09
9. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08. §712.08

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Aerial of subject property



Front of subject property



South Marietta Parkway frontage



Area between rear wall and Grogan Street



Portion of building to be enclosed by new structure



Rear yard to be enclosed by new structure



Accessory structure against property line

Staff Review:

The applicant, George A. Hussey IV, is requesting variances for 505 South Marietta Parkway. The subject property is zoned CRC (Community Retail Commercial) and is home to Automobile Atlanta, which operates as a car dealership, parts retailer, and auto repair shop. This shop specializes in German cars – primarily Porsches and Volkswagens. This property is a double frontage lot; South Marietta Parkway borders the property to the south and Grogan Street borders the property to the north. The parcels on either side are also zoned CRC. The Cobb County Civic Center, zoned Office Institutional (OI), is located across South Marietta Parkway to the south. Across Grogan Street to the north are single family residences zoned Single Family Residential – 4 units/acre (R-4).

Mr. Hussey is requesting variances that would allow the construction of a new structure to cover the rear portion of the building and rear exterior storage yard. The wood framing for the existing roof over the rear portion of the building is in dire need of replacement. The new structure would also provide additional enclosed area for the parts storage and auto repair area to expand.

The anticipated cost of the project will exceed the threshold the City has set for differentiating between an improvement and the redevelopment of the entire site, which will require all aspects of the site to come into compliance.

Variance #1: Automotive repair shop across the street from a single family residential district

Automobile Atlanta has been in business at this location since 1990. The current regulations specified in CRC do not allow automotive repair shops if they are adjacent or directly across the street from a single family residential district. Since there are single family homes directly across Grogan Street to the north, a variance would be necessary to allow this use to continue. Although this regulation is intended to protect nearby residences from the negative effects of paint and body work, these activities are only conducted inside the building. Further, the property does have a 6' fence along Grogan Street in order to help with noise or smell spillovers.

Variance #2: Side setback for an accessory structure from 10' to 0'

The property contains a barn and small shed along the western side of the building. Although the required side setback for accessory structures is 10,' both structures appear to be at or very near the property line. As a result, a reduction in the side setback for accessory structures would be necessary in order to allow the structures remain in their present location. Further, there is a building on the adjacent property that may be impacted by the proximity of these accessory structures to the property line.

Variance #3: Metal siding on the front façade

CRC district regulations (§708.16) contain the following statement: *“Building design and materials may be of the developer’s choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.”* The applicant has stated that the overall plan for the building is to have it look similar to other car dealerships, which typically use aluminum composite material (ACM) paneling. Although this material is frequently used for car dealerships, it is prohibited by code. In December 2010 and again in May 2011, the Board of Zoning Appeals approved the use of ACM panels on the building façades of Team Nissan (V2010-25) and Steve Rayman Chevrolet (V2011-17).

Variance #4: Setback along Grogan Street from 35' to 7'

Because the property is a double frontage lot, front setback standards apply to both South Marietta Parkway and Grogan Street. The front setback requirement for a local road (Grogan Street) in CRC is 35.' The rear wall of the existing building appears to be approximately 25' from Grogan Street. The applicant is proposing to extend the new roof structure to an existing cinder block wall that runs parallel to Grogan Street. The survey submitted by the applicant shows this wall as being 7' from Grogan Street. If the roof structure extends to the cinder block wall, this wall will become the exterior building wall and subject to setback requirements. As a result, the applicant is requesting a reduction in the setback from Grogan from 35' to 7.'

The Marietta Fire Department has the follow comments regarding the new structure:

The submitted proposed plans do not depict entire intent of project as was discussed in consultation meeting last week. The proposed roof would span a section which is not currently considered as part of the building. Once the roof is in place then, this section will become part of the building and the intended use would be repair garage. In doing so, this would become a new addition to the building and would be subjected to the city fire sprinkler ordinance. Also, the way the roof is to be installed around the existing building may render it to have a determined status of new building; which would mean the entire building would be subjected to city ordinance for fire sprinklers.

Variance #5: Exterior storage yard along an arterial roadway

Variance #6: Open storage of wrecked or nonoperative automobiles

Variance #7: Storage of parts or waste materials outside a building

The applicant uses the northern portion of the property for storing parts and nonoperative cars. The area is not visible from South Marietta Parkway because of a thick screening of trees and shrubs. A 6-foot tall wooden fence shields the storage area from being visible from Grogan Street. However, Section 710.07, Storage, specifically prohibits exterior storage yards located along an arterial roadway, the open storage of nonoperative automobiles, and the exterior storage of parts, all of which apply to this property. The above listed variances would be necessary in order for this practice to continue.

Variance #8: Commercial Corridor Design Overlay District

A very small portion of the northeastern corner of the property lies within the Commercial Corridor Design Overlay District – Tier B. Although the majority of the parcel lies outside the Overlay, Section 712.09(B)(1)(a) states "...all parcels lying in whole or in part within 750 feet of rights-of-way line of any road designated as part of the Commercial Corridor Design Overlay District." This, paired with the project's anticipated construction cost, causes the project to be subject to the Overlay standards. However, the property is not facing or possibly even visible from Fairground Street.



Variance #9: Tree and landscaping conditions

Typically, conformance to the Tree Protection and Landscaping ordinance (§712.08) is not required for a building repair; however, the anticipated project cost will exceed the threshold for redevelopment and will require the entire site to come into compliance. It is likely that the site is not in complete conformance with the tree ordinance, as it does not have the necessary tree islands or street trees along South Marietta Parkway. There are a handful of mature trees located in the northwestern corner and along Grogan Street that may satisfy the density requirement (17 units per acre). However, it is unclear whether the roof addition will impact the trees along Grogan Street, as many of these trees' canopies reach out over and into the rear exterior storage yard.

All of these variances would be necessary in order for Mr. Hussey to construct the proposed new metal roof over the rear portion of the building and rear exterior storage yard; as well as to provide an additional enclosed area for the parts storage and auto repair area to expand. As noted previously in the Fire Department's comments, the information that has been provided to City Staff is limited and does not depict the entire project as was discussed at an earlier meeting with the applicant. The information provided for review (attached hereto) consists of the following:

1. a boundary survey dated September 27, 1980
2. construction plans for the steel structure
3. a picture of an existing Porsche dealership in Leesburg, Florida

Staff has also received no other information about improvements to the site which would enhance the appearance of the site along South Marietta Parkway. For instance, there are no plans to upgrade the existing wood cross-tie retaining wall that holds up the parking lot along this frontage. Should the variances be approved, this cross-tie retaining wall would remain in its current condition.